APPENDIX D

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Interstate Commerce Act (49 U.S.C.)

Sec. 13 (3). Whenever in any investigation under the provisions of this part, or in any investigation instituted upon petition of the carrier concerned, which petition is hereby authorized to be filed, there shall be brought in issue any rate, fare, charge, classification, regulation, or practice, made or imposed by authority of any State, or initiated by the President during the period of Federal control, the commission, before proceeding to hear and dispose of such issue, shall cause the State or States interested to be notified of the proceeding. The commission may confer with the authorities of any State having regulatory jurisdiction over the class of persons and corporations subject to this part or part III with respect to the relationship beween rate structures and practices of carriers subject to the jurisdiction of such State bodies and of the commission; and to that end is authorized and empowered, under rules to be prescribed by it, and which may be modified from time to time, to hold joint hearings with any such State regulating bodies on any matters wherein the commission is empowered to act and where the rate-making authority of a State is or may be affected by the action taken by the commission. The commission is also authorized to avail itself of the cooperation, services, records, and facilities of such State authorities in the enforcement of any provision of this part or part III.

Sec. 13 (4) Whenever in any such investigation the commission, after full hearing, finds that any such rate, fare, charge, classification, regulation, or practice causes any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce on the one hand and interstate or foreign commerce on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, which is forbidden and declared to be unlawful, it shall prescribe the rate, fare, or charge, or the maximum or minimum, or maximum and minimum, thereafter to be charged, and the classification, regulation, or practice thereafter to be observed, in such manner as, in its judgment, will remove such advantage, preference, prejudice, or discrimination. Such rates, fares, charges, classifications, regulations, and practices shall be observed while in effect by the carriers parties to such proceeding affected thereby, the law of any State or the decision or

order of any State authority to the contrary notwithstanding.

Sec. 15 (1) Whenever, after full hearing, upon a complaint made as provided in section 13 of this part, or after full hearing under an order for investigation and hearing made by the commission on its own initiative, either in extension of any pending complaint or without any complaint whatever, the commission shall be of opinion that any individual or joint rate, fare, or charge whatsoever demanded, charged, or collected by any common carrier or carriers subject to this part for the transportation of persons or property, as defined in the section 1 of this part, or that any individual or joint classification, regulation, or practice whatsoever of such carrier or carriers subject to the provisions of this part, is or will be unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this part, the commission is authorized and empowered to determine and prescribe what will be the just and reasonable individual or joint rate, fare, or charge, or rates, fares, or charges, to be thereafter observed in such case, or the maximum or minimum, or maximum and minimum, to be charged, and what individual or joint classification, regulation, or practice is or will be just, fair, and reasonable, to be thereafter followed, and to make an order that the carrier or carriers shall cease and desist from such violation to the extent to which the commission finds that the same does or will exist, and shall not thereafter publish, demand, or collect any rate, fare, or charge for such transportation other than the rate, fare, or charge so prescribed, or in excess of the maximum or less than the minimum so prescribed, as the case may be, and shall adopt the classification and shall conform to and observe the regulation of practice so prescribed.

Sec. 15(a)(2) In the exercise of its power to prescribe just and reasonable rates the commission shall give due consideration, among other factors, to the effect of rates on the movement of traffic by the carrier or carriers for which the rates are prescribed; to the need, in the public interest, of adequate and efficient railway transportation service at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable the carriers, under honest, economical, and efficient management to provide such service.

INDEX

	Page
Statement	1
Background and nature of the case	2
Proceeding before the Interstate Commerce Commission	6
Argument	7
Conclusion	14

CITATIONS

Cases:	
Ayrshire Collieries v. *United States*, 335 U. S. 573	12, 14
Ex Parte No. 162, *Increased Railway Rates, Fares and Charges, 1946*, 266 I. C. C. 537	3
Ex Parte No. 166, *Increased Freight Rates, 1947*, 270 I. C. C. 403	3
Ex Parte No. 168, *Increased Freight Rates, 1948*, 276 I. C. C. 9	3
Ex Parte No. 175, *Increased Freight Rates, 1951*, 280 I. C. C. 179, 281 I. C. C. 557, 284 I. C. C. 589	3
Intrastate Rates on Bituminous Coal Within Ohio, 298 I. C. C. 85	2–6, 8–9, 11
Intrastate Rates on Bituminous Coal Within Ohio, 192 I. C. C. 413	2–3
Ohio v. *United States*, 292 U. S. 498	3, 7, 12
Sprunt v. *United States*, 281 U. S. 249	8
State of Ohio v. *United States*, 6 F. Supp. 386	3, 7
Toledo Edison Co. v. *Public Utilities Commission of Ohio*, 161 Ohio St. 221	3
United States v. *Illinois Central*, 263 U. S. 515	12
United States v. *Merchants Etc. Ass'n*, 242 U. S. 178	8
Statute and Rule:	
Interstate Commerce Act (49 U. S. C. 13 (3) and (4)):	
Section 13 (3)	6
Section 13 (4)	2, 6, 7
Revised Rules of the Supreme Court of the United States, Rule 16, Paragraph 1 (c)	1

436931—57——1